

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**STEVEN NOVIA**, individually and on behalf  
of all others similarly situated,

*Plaintiff,*

v.

**MOBIZ INC.  
AND  
HARRIS BROTHERS  
OF MICHIGAN, INC.**

*Defendants.*

Case No. 25-cv-11036

**CLASS ACTION**

**JURY TRIAL DEMANDED**

**MOTION FOR CLERK’S ENTRY OF DEFAULT AGAINST DEFENDANT**

COMES NOW Plaintiff, pursuant to Fed. R. Civ. P. 55(a), hereby files this Motion for Clerk’s Entry of Default against Harris Brothers of Michigan, Inc. (“Defendant”) in the above-styled action. Mr. Novia respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff’s claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 4(d)(3) entitled “*Time to Answer After a Waiver*” provides in pertinent part that “[a] defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent.” *Id.* Federal Rule of Civil Procedure 55(a), entitled “Entering a Default,” provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” See Fed. R. Civ. P. 55(a) (emphasis added).

Here, the Plaintiff filed his Complaint in April of 2025. *See* ECF No. 1. The Defendant was served on April 28, 2025. *See* ECF No. 6. However, the Defendant did not file a responsive pleading. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to Fed. R. Civ. P. 55(a).

### **CONCLUSION**

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against Defendants pursuant to Fed. R. Civ. P. 55(a).

DATED this 15th day of June, 2025.

PLAINTIFF,  
By his attorneys,

By: *s/ Anthony I. Paronich*  
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